

THE HONORABLE ROBERT S. LASNIK



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FEB 12 2004

CLERK OF COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

03-CV-02953-CLM

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WIZARDS OF THE COAST, INC., a)
Washington corporation,)

No. C03-2953L

**STIPULATION AND ORDER OF
DISMISSAL**

THE POKEMON COMPANY, a Japanese corporation; POKEMON USA, INC., a Delaware corporation; NINTENDO OF AMERICA, INC., a Washington corporation; RICHARD ARONS, an individual; and RENE FLORES, an individual.

Defendants

All parties to this action, by and through their respective counsel, stipulate and agree as follows:

1. Defendants' Motion To Amend Or Alter Judgment may be denied as moot.
2. This Stipulation and Order of Dismissal will supersede any and all prior Orders of Dismissal entered in this action.
3. The present action is dismissed with prejudice as to Nintendo of America Inc.
4. As to the other parties, the action is dismissed with prejudice, with the exception that if there is a breach of paragraph 14 of the Settlement Agreement entered into by the parties on December 22, 2003, and all the conditions of that paragraph are met, any

STIPULATION AND ORDER OF DISMISSAL - 1

Case No. C03-2953L
119153.0003/1082226.1

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SEATTLE, WA 98101
(206) 223-7000

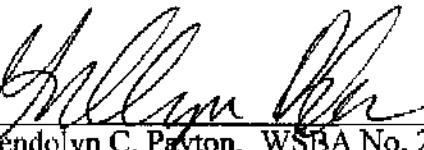
1 party except Nintendo of America Inc. may initiate or participate in litigation of any claim
2 previously released to the extent permitted by the Settlement Agreement, provided that such
3 claim will not be brought by, for or against Nintendo of America Inc.

4 5. Each party shall bear its own costs and attorneys' fees.

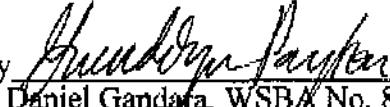
5 DATED this 10th day of February, 2004.

6 LANE POWELL SPEARS LUBERSKY LLP

VANDEBERG JOINSON & GANDARA

7 By 
8 Gwendolyn C. Payton, WSBA No. 26752

9 Attorneys for Plaintiff Wizards of the Coast, Inc.

10 By 
11 Daniel Gandara, WSBA No. 8635
12 Attorneys for Defendants
13 Pokémon USA, Inc., Nintendo of
14 America, Inc., Richard Arons,
15 and René Flores
16 *per telephone and fax authority*

ORDER

17 The parties having stipulated for dismissal of the above-entitled matter; and the Court
18 being fully advised in the premises, NOW, THEREFORE,

19 IT IS HEREBY ORDERED that

20 1. Defendants' Motion To Amend Or Alter Judgment is denied as moot.

21 2. The present Stipulation and Order of Dismissal supersedes any and all prior

22 Orders of Dismissal entered in this action.

23 3. The present action is dismissed with prejudice as to Nintendo of America Inc.

24 4. As to the other parties, the action is dismissed with prejudice, with the
25 exception that if there is a breach of paragraph 14 of the Settlement Agreement entered into
26 by the parties on December 22, 2003, and all the conditions of that paragraph are met, any
party except Nintendo of America Inc. may initiate or participate in litigation of any claim

STIPULATION AND ORDER OF DISMISSAL - 2

Case No. C03-2953L
119153.0003/10822261

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1 previously released to the extent permitted by the Settlement Agreement, provided that such
2 claim will not be brought by, for or against Nintendo of America Inc.

3 5. Each party shall bear its own costs and attorneys' fees.
4

5 DONE IN OPEN COURT on

6 Feb. 12, 2004.

7
8 *Robert S. Lasnik*
9

10 THE HONORABLE ROBERT S. LASNIK

11 Presented by:

12 LANE POWELL SPEARS LUBERSKY LLP

13 *Gwendolyn C. Payton*
14 By Gwendolyn C. Payton, WSBA No. 26752
15 Attorneys for Plaintiff Wizards of the Coast, Inc.

16 Copy Received; Approved as to Form;
17 Notice of Presentation Waived:

18 VANDEBERG JOHNSON & GANDARA

19 *Daniel Gandara*, per telephone
20 By Daniel Gandara and fax authority
21 Attorneys for Defendants PokéMon USA, Inc.,
22 Nintendo of America, Inc., Richard Arons and
23 René Flores

24 STIPULATION AND ORDER OF DISMISSAL - 3

25 Case No. C03-2953L
26 119153.0003/1082226.1

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